



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES MIKELL,

Petitioner,

vs.

E. K. MCDANIEL, et al.,

Respondents.

Case No. 3:07-CV-00577-BES-(RAM)

ORDER

Respondents have submitted an Opposition to Motion for Stay and Abeyance (#31), and the Clerk has modified the docket entry for Petitioner's Declaration (#25) as a motion. The Court denied Petitioner's request to stay this action, which at the time was not docketed as a motion, directed Petitioner to declare what he wanted to do with his unexhausted grounds, and directed Respondents to file an answer or other response to the remaining grounds if Petitioner chose to dismiss the unexhausted grounds. Order (#27). Petitioner decided to dismiss the unexhausted grounds. Decl. (#28). The Court has already decided this issue in Respondents' favor.

IT IS THEREFORE ORDERED that the motion to stay petition (#25) is **DENIED** as moot.

IT IS FURTHER ORDERED that Respondents shall have fifteen (15) days from the date of entry of this Order to file and serve an answer or other response to the Petition (#6).

DATED: This 28th day of July, 2009.

BRIAN E. SANDOVAL
United States District Judge